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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,741	08/01/2003	John Frederick Ackerman	RD-26408-5	3858
John S. Beulick Armstrong Teasdale LLP Suite 2600 One Metropolitan Square St. Louis, MO 63102				
EXAMINER				
PERRIN, JOSEPH L				
ART UNIT		PAPER NUMBER		
1711				
MAIL DATE		DELIVERY MODE		
05/03/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/632,741

**Applicant(s)**

ACKERMAN ET AL.

**Examiner**

Joseph L. Perrin

**Art Unit**

1711

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08 April 2010 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 18-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Response to Amendment***

3. The arguments under 37 CFR 1.132 filed 08 April 2010 appears to be sufficient to overcome the rejection of claims 18-23 based upon the applied references of Bartos, Beck and McDermott on the combination of references to show each and every limitation, particularly the claimed combination with the nozzles mounted *within* a turbine engine. However, upon further consideration such limitation is considered new matter. Specifically, a careful review of the original disclosure as filed indicates that the application is textually silent with respect to the nozzles being mounted *within* a turbine

engine but rather only discloses the nozzles and washing system (reference numeral 42) being "coupled to engine 10". Figure 3, illustrates the washing system and engine configuration with the nozzles mounted at the intake of engine 10 but not "within" the engine as claimed and argued. Moreover, the washing system disclosed in the instant application is admitted prior art, as evidenced by Applicant's specification which states that "[g]as turbine engine washing system 42 is known in the art" (see page 3, lines 7 *et seq.* in Applicant's specification). In light of the above, the invention as claimed is considered directed to a known gas turbine engine washing system as admitted by Applicant. The Examiner further notes that the above arguments are directed to the combined gas turbine engine assembly of claims 18-19. The washing system of claims 20-23 reciting the intended use of being mountable within a gas turbine engine may still be subject to rejections over the cited prior art.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 18-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. While the original disclosure as filed discloses

a ring manifold *coupled to* a gas turbine engine, Applicant does not disclose a ring manifold mounted *within* a gas turbine engine as claimed in claims 18 and 20.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's admitted prior art (AAPA). In Applicant's specification under the description of Figure 3, Applicant admits that the washing system (42) combined with the gas turbine engine (10) with compressor assembly (14) is "known in the art" (see Fig. 3 and relative associated text of Applicant's specification, particularly page 3, line 7 *et seq.*). Note that only one embodiment of the ring manifold is disclosed by Applicant, thus, the invention as claimed is considered to read on AAPA.

8. Claims 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by McDermott. Regarding claim 20, McDermott discloses a washing system for a gas turbine engine, comprising pump means (pressurized solvent tank 40) and a ring manifold (20) coupled in fluid communication with the pump means and fully capable of performing the intended use of being "mountable" within a gas turbine engine upstream from a compressor, the manifold having plural circumferentially-spaced nozzles (6, 8, 10, 12, 14, 16, 18, 26, 28, 30, 32, 34) which are oriented to discharge liquid radially

inwardly (note that any degree inward from parallel of the intake reads on such limitation). Regarding claims 21-22, the nozzles of McDermott have a configuration that is fully capable of performing the intended use of injecting a first and second liquid as claimed. Regarding claim 23, McDermott (in col. 4, line 40 *et seq.*) discloses cranking the engine and running at low speeds when the cleaning material is sprayed into a turbine engine, which inherently/implicitly discloses a starter motor. Accordingly, the invention as claimed reads on the apparatus of McDermott.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 8:00-4:30.
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph L. Perrin/  
Joseph L. Perrin, Ph.D.  
Primary Examiner  
Art Unit 1711

JLP